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BANGALORE, TUESDAY, NOVEMBER 11, 1975

(KARTHIKA 20, SAKA ERA 1897)

No. 4008

LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 80 LGN 75.

Bangalore, dated 11th November 1975.

Ordered that the Karnataka Debt Relief (Amendment) Ordinance, 1975 promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India, be published as Karnataka Ordinance No. 19 of 1975 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE No. 19 OF 1975

THE KARNATAKA DEBT RELIEF (AMENDMENT)
ORDINANCE, 1975.

(Promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Eleventh day of November, 1975).

An ordinance to amend the Karnataka Debt Relief Ordinance, 1975.

WHEREAS the Karnataka Legislative Assembly is not in session and only the Karnataka Legislative Council is in session, and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Karnataka Debt Relief Ordinance, 1975;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Karnataka Debt Relief (Amendment) Ordinance, 1975.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force at once.

2. Insertion of new sections 4A and 4B.—After section 4 of the Karnataka Debt Relief Ordinance, 1975 (Karnataka Ordinance No. 15 of 1975), the following sections shall be inserted, namely:

“4A Creditors to file statement, etc.—(1) Every creditor referred to in clause (e) of section 4 shall, within forty-five days from the commencement of the Karnataka Debt Relief (Amendment) Ordinance, 1975, furnish to the Sub-Divisional Magistrate having jurisdiction over the area

where such creditor has his ordinary place of business, a statement containing the names of all the debtors who have pledged articles with him, the nature and description of the articles pledged, the amount advanced and due as on 21st October, 1975 and such other particulars as may be prescribed.

(2) On receipt of such statement and after such formal inquiry conducted in the manner provided in the Karnataka Land Revenue Act, 1964 as he considers necessary, the Sub-Divisional Magistrate shall, by order, determine which of the debtors are entitled to relief under section 4 and direct the creditor to produce on or before the date specified in the order the articles pledged by such debtors.

(3) If the creditor fails to produce the article as directed in the order under sub-section (2), the Sub-Divisional Magistrate may recover possession of the article from the creditor and for this purpose shall exercise the same powers as are invested in him under the Code of Criminal Procedure, 1973 regarding search and seizure.

(4) After such production or recovery of the article pledged, the Sub-Divisional Magistrate shall deliver the article to the debtor.

(5) Every order of the Sub-Divisional Magistrate under this section shall be final.

(6) No legal practitioner shall be allowed to appear in the proceedings before the Sub-Divisional Magistrate under this section.

(7) Pending determination of the question under sub-section (2), no creditor shall sell or dispose of the articles pledged.

(8) Notwithstanding anything in the preceding sub-sections the Sub-Divisional Magistrate may on an application made by a debtor or otherwise, enter any premises of the creditor and search and seize articles pledged by debtors and arrange for their safe custody. Thereafter he

shall proceed to determine which of the articles so seized, are to be released to the debtors and pass orders accordingly.

4B. Penalty.—(1) Any person failing to furnish the statement or to comply with the order made under section 4A or otherwise contravening the provisions of section 4A shall be liable to imprisonment for a term which shall not be less than three months but which may extend to one year and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees.

(2) Every offence punishable under sub-section (1) shall be cognisable."

MOHANLAL SUKHADIA,

Governor of Karnataka.

By Order and in the name of the Governor of Karnataka

M. L. RAMASWAMI,

Draftsman and Ex-officio

Joint Secretary to Government,

Department of Law and Parly. Affairs.